

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

LAURENCE MICHAEL SUSINI, M.D.

Holder of License No. 17611
For the Practice of Allopathic Medicine
In the State of Arizona

Case No. MD-06-0408A

**CONSENT AGREEMENT FOR
LETTER OF REPRIMAND**

CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Laurence Michael Susini, M.D. ("Respondent"), the parties agreed to the following disposition of this matter.

1. Respondent has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement"). Respondent acknowledges that he has the right to consult with legal counsel regarding this matter.

2. By entering into this Consent Agreement, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Consent Agreement in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Consent Agreement.

3. This Consent Agreement is not effective until approved by the Board and signed by its Executive Director.

4. The Board may adopt this Consent Agreement of any part thereof. This Consent Agreement, or any part thereof, may be considered in any future disciplinary action against Respondent.

5. This Consent Agreement does not constitute a dismissal or resolution of other matters currently pending before the Board, if any, and does not constitute any waiver,

1 express or implied, of the Board's statutory authority or jurisdiction regarding any other
2 pending or future investigation, action or proceeding. The acceptance of this Consent
3 Agreement does not preclude any other agency, subdivision or officer of this State from
4 instituting other civil or criminal proceedings with respect to the conduct that is the subject
5 of this Consent Agreement.

6 6. All admissions made by Respondent are solely for final disposition of this
7 matter and any subsequent related administrative proceedings or civil litigation involving
8 the Board and Respondent. Therefore, said admissions by Respondent are not intended
9 or made for any other use, such as in the context of another state or federal government
10 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
11 any other state or federal court.

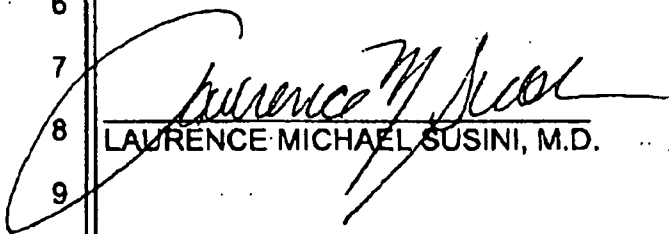
12 7. Upon signing this agreement, and returning this document (or a copy thereof) to
13 the Board's Executive Director, Respondent may not revoke the acceptance of the
14 Consent Agreement. Respondent may not make any modifications to the document. Any
15 modifications to this original document are ineffective and void unless mutually approved
16 by the parties.

17 8. If the Board does not adopt this Consent Agreement, Respondent will not
18 assert as a defense that the Board's consideration of this Consent Agreement constitutes
19 bias, prejudice, prejudgment or other similar defense.

20 9. This Consent Agreement, once approved and signed, is a public record that will
21 be publicly disseminated as a formal action of the Board and will be reported to the
22 National Practitioner Data Bank and to the Arizona Medical Board's website.

23 10. If any part of the Consent Agreement is later declared void or otherwise
24 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force
25 and effect.

1 11. Any violation of this Consent Agreement constitutes unprofessional conduct
2 and may result in disciplinary action. A.R.S. § § 32-1401(27)(r) ("violating a formal order,
3 probation, consent agreement or stipulation issued or entered into by the board or its
4 executive director under this chapter") and 32-1451.

5
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7 
8 LAURENCE MICHAEL SUSINI, M.D.
9

DATED: 12/18/06

1 FINDINGS OF FACT

2 1. The Board is the duly constituted authority for the regulation and control of
3 the practice of allopathic medicine in the State of Arizona.

4 2. Respondent is the holder of license number 17611 for the practice of
5 allopathic medicine in the State of Arizona.

6 3. The Board initiated case number MD-06-0408A after receiving notification of
7 a malpractice settlement involving Respondent's care and treatment of a ten year-old
8 female patient ("MJ").

9 4. On April 13, 2000, after falling from a chair, MJ had tenderness in her
10 forearm and presented to Respondent for evaluation of fractures of the radius and ulnar of
11 her right proximal forearm that occurred in 1998. Respondent ordered an x-ray that
12 revealed a non-displaced fracture of both the radius and ulnar of the right forearm.
13 Respondent placed MJ in a long arm fiberglass cast and scheduled her for repeat x-rays in
14 one week.

15 5. When MJ saw Respondent on April 21, 2000 she complained of no pain. The
16 x-rays taken on that date revealed a 30 degree fracture angulation. Respondent noted the
17 x-rays of MJ's arm in a cast were acceptable and the angulation of the fracture was mild.
18 Respondent considered open reduction, but was concerned about the potential for injury to
19 the posterior interosseus nerve. Respondent did not consider a closed reduction
20 technique. On May 26, 2000 Respondent removed MJ's cast and noted her bone fractures
21 were well healed. Respondent instructed MJ to modify her activity for two weeks and
22 return if she had any problems.

23 6. On August 27, 2001 MJ presented to an orthopedic surgeon ("Surgeon")
24 complaining of stiffness and pain in her forearm. Surgeon noted MJ had only 5 to 10
25 degrees pronation and supination, respectively, and could pronate her arm to write.

1 Surgeon noted on x-ray MJ had a severe volar bow of the radius. His impression was a
2 mal-union of the radius fracture with loss of rotation. Surgeon recommended multiple
3 osteotomies to correct the problem.

4 7. On October 12, 2001 Surgeon performed an open osteoclasis of MJ's
5 proximal radius and applied a cast. However, x-ray reports dated October 22, 2001 still
6 showed considerable bowing of the radius. Surgeon removed MJ's cast on November 14,
7 2001 and instructed her to undergo physical therapy. By January 7, 2002 MJ developed 55
8 degrees pronation and 60 degrees supination and her radius gradually remodeled in 2004
9 and 2005. However, MJ experienced persistent loss of pronation and supination and, by
10 December 2005, had only 15 degrees of each.

11 8. The standard of care when evaluating a pediatric patient with an angulated
12 fracture of the proximal forearm greater than 20 degrees required Respondent to
13 appreciate the degree of angulation and consider a closed reduction.

14 9. Respondent deviated from the standard of care by noting MJ's 30 degree
15 angulation to be acceptable and by casting the fracture without considering a closed
16 reduction.

17 10. MJ was harmed because her fracture healed with volar angulation and her
18 rotation was markedly limited. Another physician unsuccessfully attempted to surgically
19 correct MJ's mal-union.

20 CONCLUSIONS OF LAW

21 1. The Board possesses jurisdiction over the subject matter hereof and over
22 Respondent.

23 2. The conduct and circumstances described above constitute unprofessional
24 conduct pursuant to A.R.S. § 32-1401(27)(q) ("[a]ny conduct or practice that is or might be
25 harmful or dangerous to the health of the patient or the public;") and A.R.S. § 32-1401

(27)(II) ("conduct that the board determines is gross negligence, repeated negligence or negligence resulting in harm to or the death of a patient.").

ORDER

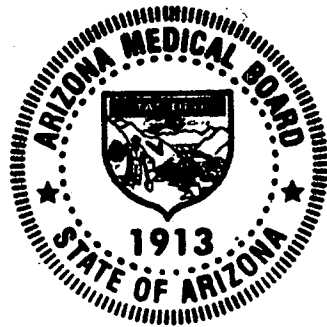
IT IS HEREBY ORDERED THAT:

1. Respondent is issued a Letter of Reprimand for failing to appreciate the degree of angulation and for failure to consider a closed reduction.

2. This Order is the final disposition of case number MD-06-0408A.

DATED AND EFFECTIVE this 9th day of February, 2008.⁷

(SEAL)



ARIZONA MEDICAL BOARD

By

TIMOTHY C. MILLER, J.D.
Executive Director

ORIGINAL of the foregoing filed
this 9th day of February, 2008 with:

Arizona Medical Board
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

EXECUTED COPY of the foregoing mailed
this 9th day of February, 2008 to:

Laurence Michael Susini, M.D.
Address of Record

Investigational Review